

HOUSE BILL 2113

By Caldwell

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, Part 30 and Part 31, relative to school enrollment and attendance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 31, is amended by adding the following new section:

Section 49-6-3114(a). A student who is not a resident of a local education agency, and whose parents are also not residents, may attend the schools of that agency without payment of tuition if:

(1) The student resides with an adult who is a resident of the LEA, as a result of:

(A) The death, serious illness, or incarceration of a parent or legal guardian;

(B) The abandonment by a parent or legal guardian of the complete control of the student as evidenced by the failure to provide substantial financial support and parental guidance;

(C) Abuse or neglect by the parent or legal guardian;

(D) The physical or mental condition of the parent or legal guardian is such that care and supervision of the student cannot be provided; or

(E) The loss or uninhabitability of the student's home as the result of a natural disaster.

(2) The student is not currently under a term of suspension or expulsion from a school for conduct that could have led to a suspension or an expulsion from the LEA; and

(3) The adult with whom the student resides and the student's parent, guardian, or legal custodian have each completed and signed separate affidavits that:

(A) Confirm the qualifications set out in this section establishing the student's residency;

(B) Attest that the student's claim of residency in the unit is not primarily related to attendance at a particular school within the LEA; and

(C) Attest that the adult with whom the student is residing has been given and accepts responsibility for educational decisions for the child, including receiving notices from the school, attending conferences with school personnel, granting permission for school-related activities, and taking appropriate action in connection with student records.

(b) For purposes of subdivision (a)(1)(C) of this section, a student shall be deemed to be abused or neglected if there has been an adjudication of that issue. The state board may adopt an additional definition of abuse and neglect and that definition shall also apply to this section.

(c) If the student's parent, guardian, or legal custodian is unable, refuses, or is otherwise unavailable to sign the affidavit, then the adult with whom the student is living shall attest to that fact in the affidavit.

(d) Upon receipt of both affidavits or an affidavit from the adult with whom the student is living that includes an attestation that the student's parent, guardian, or legal custodian is unable, refuses, or is otherwise unavailable to sign an affidavit, the local board shall admit and assign as soon as practicable the student to an appropriate school, as determined under the local board's school assignment policy, pending the results of any further procedures for verifying eligibility for attendance and assignment within the LEA.

(e) If it is found that the information contained in either or both affidavits is false, then the local board may, unless the student is otherwise eligible for school attendance under other laws or local board policy, remove the student from school. If a student is removed from school, the board shall provide an opportunity to appeal the removal under the appropriate policy of the local board and shall notify any person who signed the affidavit of this opportunity. If it is found that a person willfully and knowingly provided false information in the affidavit, the maker of the affidavit shall be guilty of a Class C misdemeanor and shall pay to the local board an amount equal to the cost of educating the student during the period of enrollment. Repayment shall not include state funds, unless the student's residence is out-of-state.

(f) Affidavits shall include, in large print, the penalty, including repayment of the cost of educating the student, for providing false information in an affidavit.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.